

United States District Court
for
Middle District of Tennessee

Report on Offender Under Supervision

Name of Offender: Jerry Thomas Buford, Jr. Case Number: 3:09-00021

Name of Judicial Officer: Honorable Aleta A. Trauger, U.S. District Judge

Date of Original Sentence: January 13, 2012

Original Offense: 18 U.S.C. § 922 (g)(1) and 18 U.S.C. § 924 Convicted Felon in Possession of a Firearm

Original Sentence: 5 years probation

Type of Supervision: Probation

Date Supervision Commenced: January 13, 2012

Assistant U.S. Attorney: Unassigned

Defense Attorney: Michael Holley

THE COURT ORDERS:

- ☒ No Action
☐ Submit a Petition for Summons
☐ Submit a Petition for Warrant
☐ Other

Considered this 22nd day of Sept, 2013,
and made a part of the records in the above case.

Aleta A. Trauger
U. S. District Judge

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,

Joshua Smith
U.S. Probation Officer

Place Nashville, Tennessee

Date September 4, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. The defendant shall not commit another federal, state, or local crime.

On March 23, 2013, Jerry Buford, Jr. was arrested by the Metro Nashville Police Department and charged with Driving Under the Influence (DUI) and Implied Consent. The affidavits are attached for Your Honor's review. According to the affidavit, Mr. Buford's vehicle left his lane of travel approximately 20 times in a 2-3 mile radius. His vehicle then ran a red light. The vehicle was traveling at a high rate of speed and straddled the center line for approximately one mile. When pulled over, Mr. Buford's eyes were red and watery. He was asked to perform the Standardized Field Sobriety Tests, had slurred speech, and exhibited indicators of intoxication. He was asked to provide a breath sample and refused. While the officer was completing paperwork, Mr. Buford fell asleep in his chair. Following arrest, he was released on a \$1,000 bond.

On July 16, 2013, Mr. Buford was found guilty of Reckless Driving. He was sentenced to 48 hours custody, 6 months probation, ordered to pay \$282.50 in court costs and \$250 in court fines. The charge of Implied Consent was dismissed on July 16, 2013.

Compliance with Supervision Conditions and Prior Interventions:

Mr. Buford began probation on January 13, 2012. He is scheduled to terminate probation on January 12, 2017. He has been drug tested regularly and all ten drug tests have been negative for illegal substances.

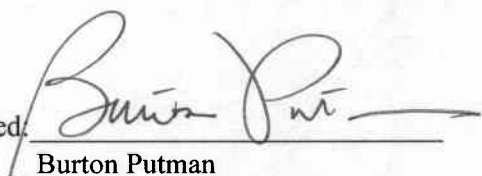
Mr. Buford successfully completed 12 months of home detention on March 15, 2013. He has remained employed with Burger King during his probation period. When questioned about the DUI charge, Mr. Buford admitted drinking two twenty-four ounce beers after leaving work. During his work shift, he was informed that his hours were going to be reduced. He has two special needs children and expressed great concern over losing hours and income when his family's finances are already difficult.

As a result of the DUI charge, Mr. Buford was referred to substance abuse treatment on April 5, 2013. The assessment was completed on May 28, 2013. He is currently participating in outpatient substance abuse treatment with Centerstone.

U.S. Probation Officer Recommendation:

It is recommended that Mr. Buford be continued on supervised release with no further action at this time.

The U. S. Attorney's Office has been notified and concurs with this recommendation..

Approved: 
Burton Putman
Supervisory U.S. Probation Officer

PROSECUTOR: Scott N Harding
DEFENDANT: Jerry Thomas Buford
VICTIM:

STATE OF TENNESSEE, COUNTY OF DAVIDSON
AFFIDAVIT
DRIVING UNDER THE INFLUENCE
OF AN INTOXICANT
T.C.A. 55-10-401

Personally appeared before me, the undersigned, [Select one] ☒ Commissioner ___ Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one] ☒ he ___ she [Select one] ___ personally observed ☒ has probable cause to believe that the defendant named above on 03/23/2013 in Davidson County, did unlawfully drive or was in physical control of any automobile or other motor driven vehicle while under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system and that *the probable cause is as follows:*

On 3/23/13 at approximately 5:09hours I was contacted by Officer Alan Keene who was driving into work. Officer Keene reported to me that he was traveling with a vehicle that had left its lane of travel approximately 20 times in a 2-3 mile radius. I stayed on the phone with Officer Keene to obtain a direction of travel and vehicle description. Officer Keene reported to me that the vehicle then ran the red light at the intersection of Donelson Pk and Murfreesboro Road. He further stated that the vehicle, identified as a blue Chevrolet SUV was traveling north at a high rate of speed on Donelson Pike and straddled the center line for at least 1 mile near the Nashville Airport. I positioned myself on the shoulder of Donelson Pike and stayed on the phone with Officer Keene approximately 3 minutes until I observed the vehicle pass by me. Base on the statements provided by Officer Keene and the immediate threat to public safety I initiated a stop on the vehicle on the I-40E on-ramp from Donelson Pike north. When I approached the vehicle the driver immediately lit a cigarette. This is a common tactic done to mask any odor of an alcoholic beverage. The driver, identified as Jerry Buford Jr, informed me that he was coming from work at Burger King on 8th Avenue. I observed that his eyes were red and watery. I ran Buford's DL information and then informed him why I had stopped him. I asked Buford to exit the vehicle to perform the Standardized Field Sobriety Tests (SFSTs). Buford exhibited all six clues on the Horizontal Gauze Nystagmus (HGN) test. I had Buford submit to the Walk and Turn test and four (4) clues were exhibited. Buford explained to me that he had a hip injury and did not feel comfortable performing the One Leg Stand (OLS) test. I asked Buford to recite the alphabet starting with letter "K" and ending at letter "Z." He started at letter "K" and ended at letter "X." He belched at letter "X" and then started reciting at the letter "R." While speaking with Buford I noticed that he also had slurred speech. Due to the totality of circumstances I placed Buford under arrest for DUI. I transported him to the Airport PD where I read the Implied Consent law (from MNPd #132). Buford refused to provide a breath sample. While I was completing my paperwork Buford fell asleep in his chair. I also charged him with violating the Implied Consent law.

Prosecutor: Scott N Harding 0000009216

ARREST WARRANT

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Driving Under the Influence A MISD, as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

sxn1134COMPLAINT NUMBER: 2013-0276534
NUMBER: GS625118

WARRANT

PROSECUTOR: Scott N Harding
DEFENDANT: Jerry Thomas Buford
VICTIM:

STATE OF TENNESSEE, COUNTY OF DAVIDSON
AFFIDAVIT
IMPLIED CONSENT
T.C.A. 55-10-406

Personally appeared before me, the undersigned, [Select one] ☒ Commissioner _____ Metropolitan General Sessions Judge, the prosecutor named above and made oath in due form of law that [Select one] ☒ he ☐ she [Select one] _____ personally observed ☒ _____ has probable cause to believe that the defendant named above on 03/23/2013 in Davidson County, after having been placed under arrest and thereafter having been requested by a law enforcement officer to submit to a test for purpose of determining the alcoholic or drug content of that person's blood and advised of the consequences for refusing to do so, did refuse to submit to the test and *the probable cause is as follows:*

Defendant was stopped for Driving Under Influence and was read the Implied Consent law. Defendant refused to submit a breath sample.

Prosecutor: Scott N Harding 0000009216
921 Airport Service Road
Nashville, Tennessee 37214

ARREST WARRANT

Information on oath having been made, that on the day and year aforesaid, and in the County aforesaid, the offense of Implied Consent - Civil , as aforesaid, has been committed and charging the defendant thereof, you are therefore commanded, in the name of the State, forthwith to arrest and bring the defendant before a judge of the Court of General Sessions of Davidson County, Tennessee, to answer the above charge.

Sworn to and subscribed before me on 03/23/2013 07:06:48 .

Steve Holzapfel
Judge of the Metropolitan General Sessions Court/Commissioner
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